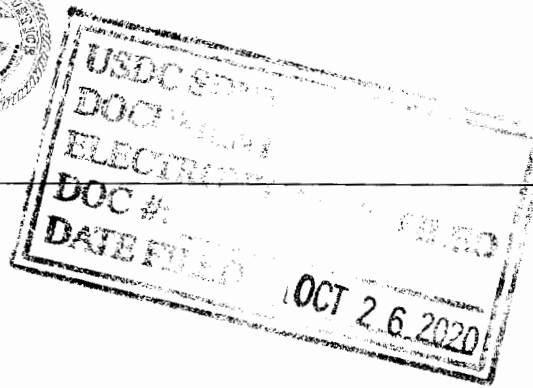




U.S. Department of Justice

*United States Attorney
Southern District of New York*



*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

October 23, 2020

SO ORDERED:

George B. Daniels
George B. Daniels, U.S.D.J.

Dated: OCT 26 2020

BY ECF

The Honorable George B. Daniels
United States District Judge
500 Pearl Street
New York, New York 10007

Re: *United States v. Hector Tirado*, 15 Cr. 487 (GBD)

Dear Judge Daniels:

The Government writes to respectfully request a four-day extension of the deadline for its response to defendant Hector Tirado's motion for compassionate release (currently due Monday October 26, 2020) to Friday October 20, 2020. Tirado is a 27-year-old prison inmate whose motion seeks his early release from prison roughly four years before the end of the ten-year prison sentence imposed by this Court based primarily on allegations that he suffers from asthma and that this places him at heightened risk of severe complications if he were to contract the COVID-19 virus in prison. In response to Tirado's motion, the Government has now reviewed voluminous prison medical and disciplinary records for defendant Tirado that were produced by the Federal Bureau of Prisons covering a four-year period (from approximately 2016 through 2020) and has found no indication in those records that Tirado suffers from asthma or that he was proscribed an inhaler or spray to treat any such condition, but the Presentence Report prepared by the Probation Department in advance of Tirado's sentencing contains a conclusory assertion that Tirado has had asthma since he was a child. The Government has sent follow-up requests to the Probation Department and Bureau of Prisons to seek additional information to explore the veracity of Tirado's asthma allegations and needs the requested extension to give those agencies sufficient time to fully respond and for the Government to review and incorporate the returns from those follow-up requests in the Government's forthcoming response to Tirado's motion. The requested extension will not unduly prejudice defendant Tirado, who waited more than five months since the President of the United States declared a national emergency relating to the COVID-19 pandemic to file the motion. The Government also notes that as of today's date, the Bureau of Prisons reports that it has completed numerous tests of inmates at F.C.I. Allenwood Low (the defendant's current place of imprisonment) for COVID-19, and that there are currently no confirmed positive lab results for COVID-19 involving open cases for either inmates or staff at F.C.I. Allenwood Low (one inmate

and one staff member at F.C.I. Allenwood Low are reported as having recovered from COVID-19). *See* <https://www.bop.gov/coronavirus/>.

For these reasons, the Government respectfully requests that the Court extend the Government's deadline for responding to defendant Tirado's compassionate release motion to Friday October 30, 2020.

Respectfully submitted,

AUDREY STRAUSS
Acting United States Attorney

By: /s/
Jared Lenow/Samson Enzer
Assistant United States Attorneys
(212) 637-1068/2342

Cc (by U.S. Mail): Hector Tirado, FCI Allenwood Low